

REMARKS

Please reconsider the application in view of the above amendments and the following remarks. Applicant thanks the Examiner for carefully considering this application.

Disposition of Claims

Claims 1-10, 18-19, and 29-40 are pending in this application. Claims 1 and 18 are independent. The remaining claims depend, directly or indirectly, from claims 1 and 18.

Objections

Claims 31 and 38 are objected to for minor informalities. Claims 31 and 38 have been amended in accordance with the Examiner's suggestions on page 2 of the Office Action mailed August 17, 2007. Accordingly, withdrawal of these objections is respectfully requested.

Rejection(s) under 35 U.S.C. § 103

Claims 1-10, 18-19, and 29-40 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,983,273 ("White") in view of U.S. Patent No. 5,884,284 ("Peters") and further in view of U.S. Patent No. 6,459,427 ("Mao"). This rejection is respectfully traversed.

If the Examiner does not produce a *prima facie* case, Applicants are under no obligation to submit evidence of non-obviousness. The initial evaluation of *prima facie* obviousness thus relieves both the Examiner and Applicants from evaluating evidence beyond the prior art and the evidence in the specification as filed until the art has been shown to suggest the claimed invention. *See*, MPEP §2142. Applicant respectfully asserts that the combination of White, Peters, and Mao does not teach or suggest each and every limitation of the amended independent

claims. Accordingly, Applicant respectfully asserts the Examiner has failed to produce a *prima facie* case.

Specifically, while the Examiner issued new grounds for rejection in the Office Action mailed on August 17, 2007, the Examiner failed to address several arguments made with respect to White. The Examiner contends that White teaches a WebTV system that allows a user to get both internet and broadcast TV (cable) services. This is not true. The WebTV system of White allows a subscriber to obtain access *only* to internet services via a set-top-box or television set. The services provided by the WebTV of White are only internet-based services. White clearly states "the user may operate remote control 11 to control the WebTV client 1 in browsing the Web, sending e-mail, and performing other internet-related functions (see White, col. 4, ll. 24-27). Thus, by asserting that White teaching both internet and broadcast services, the Examiner has either read the claim limitations of the present application overly broad or mischaracterized the system of White, both of which are wholly improper. The Examiner appears to be associating the fact that WebTV is a television set through which internet services are obtained to mean that broadcast services are automatically a part of the WebTV system of White. This is incorrect, as a close reading of White clearly shows that White is only related to providing internet-based services, and has nothing to do with providing broadcast (cable television) services.

Furthermore, to obtain internet services, the subscriber of White does not have to already have a broadcast subscription for any type of broadcast services. In fact, the access to internet services described in White is not, in any way, associated with a broadcast subscription, much less a *unique identifier* based on a broadcast subscription, as required by the independent claims.

Moreover, the independent claims require “wherein the linked internet and broadcast subscriptions are *used to obtain both* internet services and broadcast services.” That is, the linking of two distinct and separate subscriptions, one for internet services and one for broadcast services, is done so that both services can be obtained. The Examiner relies on Peters as teaching the aforementioned limitation. However, Peters links different kinds of services specifically for the purpose of facilitating billing and other customer service tasks, not for purposes of “obtaining” the different kinds of services that are linked. Thus, while Peters does disclose linking internet and broadcast services, it is done for a completely different purpose than that of the claimed invention. In the present invention, without linking the internet and broadcast subscriptions, it is not possible for a user to obtain both types of services in a set-top-box. Linking two subscriptions for customer service tasks such as billing the client is clearly distinct from linking subscriptions for purposes of actually obtaining the services from separate service providers. Thus, combining Peters with White only allows

Further, Mao fails to supply that which White and Peters lack, as evidenced by the fact that the Examiner relies on Mao solely for the purpose of teaching the conversion of data by a gateway so that the data is compliant with the network protocols (see Office Action mailed August 17, 2007, page 5). Mao does not teach or suggest internet services provided using a unique identifier based on a subscription to broadcast services, nor does Mao teach or suggest a broadcast subscription and an internet subscription linked together for purposes of obtaining both types of services.

In view of the above, it is clear that amended independent claims 1 and 18 are patentable over White, Peters, and Mao, whether considered separately or in combination. Further,

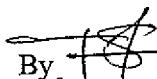
dependent claims 2-10, 19, and 29-40 are patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Conclusion

Applicant believes this reply is fully responsive to all outstanding issues and places this application in condition for allowance. No new search or consideration is required, as no substantive amendments have been made by this reply. If this belief is incorrect, or other issues arise, the Examiner is encouraged to contact the undersigned or his associates at the telephone number listed below. Please apply any charges not covered, or any credits, to Deposit Account 50-0591 (Reference Number 11345/042001).

Dated: October 9, 2007

Respectfully submitted,

By  #451079
Jonathan P. Osha *Thomas Scherz*
Registration No.: 33,986
OSHA · LIANG LLP
1221 McKinney St., Suite 2800
Houston, Texas 77010
(713) 228-8600
(713) 228-8778 (Fax)
Attorney for Applicant